

**REMARKS**

**I. STATUS OF THE CLAIMS**

Claims 1 – 11 are pending. Claims 1, 5 and 6 have been amended. No claims have been cancelled or added by this reply. Claims 9 – 11 have been withdrawn from consideration by the Examiner in the outstanding office action.

Support for the amendments to claims 1 and 5 are found throughout the present specification as originally filed, including original claims 9 – 11.

**II. REJECTION OF THE CLAIMS**

In the outstanding office action, the Examiner rejected all the claims as anticipated by and/or obvious over a combination of Ikeda et al (JP 06279256 A), US 6,242,012 (Newmark et al) and/or WO 01/41778 (Sung et al.).

Applicants respectfully traverse the Examiners rejections.

In the outstanding office action, the Examiner has rejected then pending claims 1- 8 over JP 06279256 with Newmark as evidencing inherent characteristics. The Examiner has also relied upon Newmark alone, and Newmark in combination with Sung et al. in support of the obviousness rejection.

Applicants do not necessarily concede that a proper case of either anticipation or obviousness had been made out on the basis of the patent documents cited by the Examiner. Furthermore, applicants do not hereby exceed to the correctness of any of the statements regarding the prior art or the claimed invention made by the Examiner in the outstanding

office action. Nevertheless, and without prejudice to pursuing claims of the scope to say Mass or similar to those previously presented, applicants have amended the claims to recite subject matter that produces unexpected results relative to the disclosures contained in the cited patent documents. More specifically, it is believed that the compositions as now claimed, namely, compositions which include extracts obtained as a result of supercritical solvent extraction, are capable of providing unexpectedly superior performance with regard to anti-aging functionality. Examples of such unexpected results are mentioned in the present specification, and in order to meet the Examiners objections and to facilitate prosecution of the present application, applicants have filed concurrently herewith a petition to suspend prosecution for a period of three (3) months to develop, compile and/or present the data necessary to establish such unexpected results.

### **III. CONCLUSION**

The claims pending in the present application are believed to define subject matter which is patentable over the prior art, and applicants request suspension of prosecution in order to develop and/or present the necessary data to support the patentability of the pending claims.

If any additional fees are required to further the prosecution of this application, the Office is authorized to charge such fees to Deposit Account No. 50-1943.

Respectfully submitted,

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/Joseph F. Posillico/  
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